

3rd. That in said codicil to her will, dated August 14, 1905, said testatrix devised the property then known as No. 50 West Fourt Street, in Frederick, to her Executor, the said Lewis A. Burck, in trust, upon the same terms as she had devised to him in trust the property then known as No. 52 West Fourth Street, and also devised the property then known as No. 52 to the said Kate Lee Burck, absolutely, declaring it to be her intention to transpose the bequests of the real estate devised in her will, as will more fully appear by reference to said Codicil.

4th. That at the time of her death, the said Ann Catharine Burck, left surviving her four children, namely; a son, the said Lewis A. Burck, who died on or about the 13th. day of October 1916, without leaving any issue of his body; a son, Francis T. Burck, who died about forty two years ago, leaving surviving him, as his only heir at law, a son, Cramer A. Burck, who died on the 2nd. day of October 1936, without leaving any issue of his body; a daughter, Genevieve R. Burck, who married Charles M. Leilich. That the said Genevieve R. Leilich died about three years ago, leaving as her only heir at law a daughter, Helen M. Leilich, who married Fred J. Eberstadt, both of whom now reside in the City of San Francisco, in the County of San Francisco, in the State of California. A daughter, the said Kate Lee Burck, who is unmarried, is now seventy five years of age and resides in Frederick, Maryland. That the said Kate Lee Burck, the daughter of said testatrix and the said Helen M. Eberstadt, the granddaughter of said testatrix, are the only persons who now have any interest in said real estate devised in trust, except a trustee to be appointed by your Honorable Court.

5th. That upon the death of the said Lewis A. Burck, trustee, the trusteeship became vacant and your petitioners allege that a suitable person should be appointed by your Honorable Court to act as trustee under the terms of the Will and Codicil of said testatrix, to act in the place and stead of the said Lewis A. Burck, deceased trustee.

6th. That the said Kate Lee Burck for some years past has resided in the property in which she has an equitable life estate, under the will of her mother, the said Ann Catharine Burck. That said property formerly known as No. 50 and now known as No. 122 West Fourth Street, in Frederick, Maryland, has a frontage of twenty feet on Fourth Street, a depth of 150 feet, is improved with a two story brick dwelling house containing six rooms and is a portion of the real